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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,485	10/30/2003	Edward J. Stashluk JR.	067439.0138	7404
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BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER MISIASZEK, MICHAEL	
			ART UNIT 3625	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/05/2007	ELECTRONIC

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**Office Action Summary**

Application No.

10/697,485

Applicant(s)

STASHLUK ET AL.

Examiner

Michael Misiaszek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-46 is/are pending in the application.
- 4a) Of the above claim(s) 7-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 33-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's amendments filed 10/13/2006 have been received and reviewed. The status of the claims is as follows:

Claims 1, 3-46 are pending. Claim 2 has been canceled and claims 7-32 have been withdrawn from consideration by the applicant.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1. Claims 1, 3, 33, and 34, and 38-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauser (US 6,536,659 B1) in view of "Cattron acquires Theimeg"; Modern Material Handling, Boston; Oct 2000 and hereafter referred to as "ReturnValet 1" and Junger et al. (US 20040172260 A1, hereinafter Junger)**

#### **Regarding Claims 1, 33**

Hauser discloses a method, performed by a returns provider, handling customer returns of items on behalf of multiple merchants, comprising the steps of:

- storing a set of merchant returns rules in a processing system, such that a set of returns rules is associated with each merchant (see at least Abstract and Col 8, lines 23 – 54 and Figures 1 and 2),

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- receiving packages containing returned items at a returns center (see at least Figure 1);
- wherein affixed to each package is a printed label, the label having machine readable data representing at least the identification of a merchant associated with the returned item (see at least Abstract);
- scanning the machine readable data on each package (see at least Col 8, lines 23 – 54);
- correlating at least a portion of the machine readable data with a set of returns rules (see at least Col 6, lines 6, lines 37 – 42, Col 8, lines 23 – 54);
- notifying the merchant of a returned package, based on the results of the correlating step (see at least Col 2, lines 49 – 67).

Hauser does not disclose:

- maintaining a plurality of regional return centers
- receiving packages by carrier delivery at a selected regional return center
- the printed label including a destination address associated with the selected one of the regional returns centers, the selected one of the regional returns centers selected for carrier delivery of the package because the selected one of the regional returns centers is geographically closer to a location of a customer from which the package is received than others of the plurality of regional returns centers

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ReturnValet 1 teaches that it is known to include maintaining a plurality of regional return centers (at least page 1: 4000 postal centers) and returning a package v to a regional return center closest to the customer returning the package (at least page 1: customer returns product to nearest postal center) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Hauser with the maintaining a plurality of regional return centers and returning to the station closest to the customer of ReturnValet 1, since such a modification would have provided a decrease in effort and an increase in return efficiency via a means for a customer to receive instant credit for a returned item (see at least page 1 of ReturnValet 1).

Junger teaches that it is known to include receiving a package via carrier delivery of returned items at a return center (at least paragraph [0181]: shipper picks up return items from customer) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Hauser with the carrier delivery, as taught by Junger, since such a modification would have provided a further simplified return process for a customer (at least paragraph [0181] of Junger).

#### Regarding Claims 3, 34

Hauser discloses:

- the machine-readable data further identifies a purchase transaction (Figure 2).

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Regarding Claims 39, 46

Hauser discloses:

- notifying a merchant associated with the at least one returned item of the receipt of the package at the selected regional returns center (at least column 7, lines 30-38: merchant tracks status of returns)
- the machine readable data identifies a merchant associated with the at least one returned item, and wherein the set of returns rules to be used in the processing of the at least one returned item is associated with the merchant (at least column 8, lines 23-54 coded rules associated with merchant)

Regarding Claims 38, 40, 41

Hauser discloses the claimed invention except for:

- notifying the customer of the receipt of the package at the selected regional return center
- providing tracking information to the customer
- the printed carrier label includes a visual flag that is human readable, the visual flag indicative of a final package destination other than the selected regional returns center

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Junger teaches that it is known to include providing the customer with updated tracking information regarding a returned product (at least paragraph [0180]: update tracking information for customer) and to indicate the final destination of a returns package on a printed label readable by a human (at least figure 11A: final package destination of Nintendo) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Hauser with the tracking and label information, as taught by Junger, since such a modification would have provided a further simplified return process for a customer (at least paragraph [0181] of Junger).

#### Regarding Claims 42-45

Hauser discloses:

- determining the location of the customer associated with the package (at least column 14, lines 1-15: address of customer obtained)
- providing the printed carrier label to the customer (at least abstract: label provided to customer)
- determining a postal code of the customer (at least column 14, lines 1-15: address of customer obtained)

Hauser does not disclose:

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- determining that the selected one of the regional returns centers is geographically closer to the location of the customer than locations of others of the plurality of regional returns centers
- the selected regional returns center comprises a carrier station nearest the customer
- the selected regional returns center is associated with the returns provider

ReturnValet 1 teaches that it is known to include determining and selecting a regional return center associated with the returns provider closest to a customer (at least page 1: nearest postal center associated with ReturnValet determined) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Hauser with determining a station associated with the returns provider closest to the customer of ReturnValet 1, since such a modification would have provided a decrease in effort and an increase in return efficiency via a means for a customer to receive instant credit for a returned item (see at least page 1 of ReturnValet 1).



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**2. Claims 4 – 6 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauser in view of ReturnValet 1 and Junger as applied to claims 3 and 34 above, and further in view of “J. Crew Selects Newgistics ReturnValet Service for Managing Product Returns”, Business Editors, Business Wire; Jan 14, 2002 and hereafter referred to as “ReturnValet 2”.**

Hauser, ReturnValet1 and Junger disclose the claimed invention except for:

- the purchase transaction is represented by an invoice number
- the purchase transaction is represented by a customer number
- the purchase transaction is represented by a product number

Regarding Claim 4, 35

ReturnValet 2 teaches that it is known to include the purchase transaction is represented by an invoice number (Page 2).

Regarding claims 5, 6, 36, 37

The recitations that “wherein the purchase transaction is represented by a customer number” and “wherein the purchase transaction is represented by a product number” are given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other “invoice number” already disclosed by ReturnValet 2.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Hauser with representing a purchase transaction with an invoice number, as taught by ReturnValet 2, since such a modification would have expedited the returns process (see at least page 2 of ReturnValet 2).

***Response to Arguments***

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

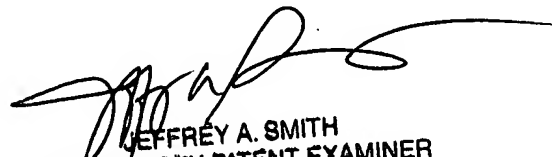
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571) 272-6961. The examiner can normally be reached on 8:00 AM - 4:30 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Patent Examiner  
12/20/2006



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